

EXHIBIT O-4



<https://www.newstimes.com/local/article/Saratoga-County-ex-cop-aveneges-daughter-s-death-12544012.php>

Retired NY state trooper avenges daughter's death

Retired trooper tracked evidence, urged investigators to find who supplied the heroin his daughter overdosed on

Lauren Stanforth Updated 9:50 am CST, Tuesday, February 13, 2018



IMAGE 1 OF 12

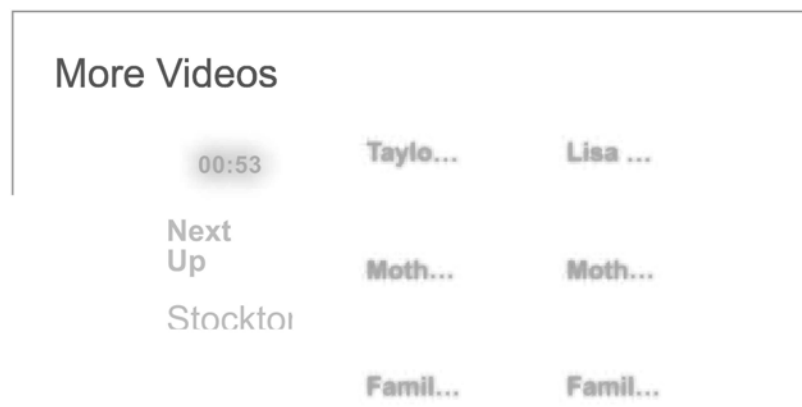
Fred Scheidt talks about the work he and other family and friends did that was part of their independent investigation that led to finding Scheidt's daughter's heroin supplier. Photo taken on Tuesday, Jan. 16, [... more](#)

Two days after burying his daughter, Fred Scheidt sat down at his kitchen table and emptied her purse.

His eyes immediately went to a supermarket receipt and a phone number written in Katie's handwriting.

"The evidence that poured out of that purse was off the rails," said Scheidt, who had lost his 30-year-old daughter to a heroin overdose the week before. "I sent a text to the investigator: 'I looked through Katie's purse. We need to talk.'"

That moment on Oct. 11, 2014 would start a voracious quest by a grieving father, who was also a retired State Police sergeant, to find the person who gave Katie the drugs that ended her life on the bathroom floor of her Saratoga Springs, N.Y. apartment.



His investigation, which included help from Katie's brother and stepmother, led to a former classmate of Katie's, who would later be rolled substance with death / to heroin trafficking and is rsey.

More than 3,500 people die from heroin or opioid-related overdoses each year in New York, but their cases rarely end like Katie's.

New York has been slower than other states to try the tactic of punishment-as-deterrent in the battle against opioid addiction. There is no state law that allows a dealer to face a homicide charge in overdose death, and the Democratic-controlled state Assembly has not supported bills that would create such a law. Federal prosecutors have secured indictments against dealers like Charo, but U.S. attorneys must review each case to see if there is enough evidence to pursue it. Given the sheer number of overdose deaths, prosecutions of those who provided the fatal drugs are not common.

Vigorous prosecution is also controversial because many of the low-level dealers implicated are addicts themselves.

Scheidt agrees that prevention and treatment are essential. But three years ago, he felt that every day his daughter's dealer was out there was another day a parent could lose their child.

"The price is too great for any type of person to suffer the loss I've suffered," he said.

"We have to be able to help other people in the same way."

New York has not seen the rate of overdose deaths experienced in other states like West Virginia, Ohio and New Hampshire, but the problem is escalating.

Fatalities from heroin and other opioids increased more than 50 percent in New York from 2,300 in 2014 to 3,638 in 2016, according to the U.S. Centers for Disease Control and Prevention. Other states with high death tolls have already passed legislation that allows dealers to be charged with a form of homicide.

But New York politicians have generally resisted that tactic, instead attacking the crisis by offering more recovery services, suing prescription drugmakers and attempting to reduce the number of opioids prescribed by doctors.

Gov. Andrew Cuomo's heroin task force last year provided 25 recommendations to address the opioid crisis — none of which mentioned law enforcement or steeper punishments.

Prescription painkillers that contain hydrocodone or oxycodone, which can be highly addictive, have become a gateway into what has become the cheaper, more available opioid on the street, heroin.

In Suffolk County, where the number of opioid-related deaths — 316 in 2016 — is the highest of any county outside of New York City, prosecutors have begun trying to get indictments for dealers under state manslaughter charges. But other district attorneys say it's difficult to prove a dealer intentionally caused someone's death under the manslaughter statute.

"The person has to be on notice for some reason that there's a problem with their product," Schenectady County District Attorney Robert Carney said. "I don't see how you could prove recklessness — which is to be aware of the risk and intentionally disregard it."

His office won a manslaughter conviction in 2014 for a Schenectady man who had given fentanyl patches, an opioid that can be 10,000 times stronger than morphine, to his girlfriend in 2008. But in that case, Carney said the burden of proof was met

because the man attempted to treat the girlfriend himself for hours after her fatal overdose, instead of calling 911.

Colonie resident Patty Farrell, a former Albany police officer, has championed a state bill for the last four years that would provide a possible homicide charge in opioid deaths — with a good Samaritan clause attached that would grant leniency to those who supplied the drugs but immediately sought help for the victim. The proposed law is named after her 18-year-old daughter, Laree, who she found dead in her bedroom from a heroin overdose in 2013.

"These dealers prey on addicts. It's just as simple as that," Farrell said. "They're lining their pockets while they're killing people."

Greene County had one of the highest rates of opioid deaths, at 25 per 100,000 people, in upstate New York in 2016. Sheriff Greg Seeley said his deputies often administer Narcan, the overdose treatment drug, at the same address multiple times in the same week.

"I'll go any avenue we have to go after these people," Seeley said. "I am totally convinced if we don't go after (dealers), this will continue."

But those working in prevention and recovery push back against that notion, saying they don't want to return to the days of using prison as a way to handle drug addiction.

In sentencing documents filed in Matthew Charo's case last year, his defense attorneys argued that Charo was himself an addict who hoped to get into a treatment program once he reached federal prison.

"The line between dealer and user is almost nonexistent," said Keith Brown, the Albany-based director of health and harm reduction at the Katal Center for Health Equity and Justice in New York City. Brown advocates for providing accessible drug replacement therapy, like buprenorphine, and decriminalizing drug use in America. "To think (arrests) are going to solve a psycho-social issue? We really need to reevaluate that."

A 2002 Saratoga Springs High School graduate, Katie-Lynn Scheidt had taken college courses, became a certified nurse's aide and was a devoted caretaker to her

grandmother. But around 2011, she was struggling with a heroin addiction that started with a doctor's prescription for pain pills, Fred Scheidt said.

In October 2014, she had left a treatment center in Glens Falls and was waiting to go into another in Saratoga County. A week before her death, Katie showed her father a picture of a beautiful young girl she knew, who she thought was in recovery — but who had suddenly died of an overdose. At the time, Fred Scheidt said he took the story to mean his daughter understood the danger of using again. But he now thinks Katie feared she would soon end up the same way.

Opioid overdose deaths are still relatively rare in Saratoga County, with seven reported in 2016. Schenectady County had the most — 29 — in the Capital Region that year.

Katie came home around 10 p.m. on Oct. 2, 2014, to an apartment she shared with her boyfriend. At around 5 a.m. the next morning, he found her dead.

Fred Scheidt said he had to lean on the Saratoga Springs Police Department to get them interested in investigating who supplied Katie with the heroin. The department denies that characterization.

"Any suggestion that the Saratoga Springs Police or our state and federal law enforcement colleagues conducted an inefficient, unprofessional investigation, or were unwilling to do so, is in my view, simply not accurate," Saratoga Springs Police Chief Gregory Veitch wrote in a statement to the Times Union.

Fred Scheidt, who has his own private investigations firm, knew from the receipt in Katie's purse that she bought a drink at a Price Chopper on Route 50 the night before she died. Katie also told her boyfriend that she had bumped into someone she knew from her high school named "Matt," and that she rode a bus to Schenectady with him.

Police had called the handwritten number in Katie's purse and spoke to someone who said their name was Matt, and gave what sounded like the last name "Shirro."

Katie's stepmother, Shannon Scheidt, had been going through yearbooks looking for teenagers named "Matt." One night lying awake in bed, she realized that the name "Shirro" might be spelled in a way she hadn't considered. At 1:30 in the morning, she went downstairs and started flipping through yearbooks again, and put a sticky note

next to Matt Charo's picture. When Fred Scheidt woke up, she asked him, "Do you think this could be him?"

In December 2014, Saratoga Springs police obtained camera footage from CDTA of buses that traveled between Saratoga Springs and Schenectady the night before Katie's death and allowed Scheidt to go through the tapes. Watching them on Christmas morning at his Greenfield home, he saw Katie sitting with a man who looked like the teen in the yearbook photo.

Scheidt had been communicating through phone calls, texts and emails with investigators, providing them with information and urging them to push forward in the case.

The U.S. attorney's office in Albany took on the investigation, in part because Charo was associating with another suspect the FBI was interested in, the Scheidt family said.

Throughout 2015, Fred, Katie's stepmother, Katie's brother, and her biological mother also helped by monitoring Charo at his usual Saratoga Springs dealing spots when investigators wanted to keep tabs on him. Katie's biological mother, Eve Cascone, took a photo of Charo during the summer of 2015, when she saw him at a vigil for opioid victims held in Congress Park.

"One of the things it showed (investigators) was we weren't going to go away," Fred Scheidt said of his family's efforts.

Ultimately, investigators interviewed Charo. And when presented with the evidence — which included charges to Katie's EBT food stamp card that Charo traded to buy the heroin from another dealer — Charo pleaded guilty in U.S. District Court in Albany last year.

U.S. attorneys are pursuing criminal indictments against opioid dealers under a federal charge that was created three decades ago in response to the crack-cocaine epidemic.

In August, a Syracuse man was sentenced to 15 years in federal prison for selling fentanyl-laced heroin to a pregnant woman who died — the same batch that almost killed the dealer himself two days earlier. The Albany U.S. attorney's office also has

pending cases against two other dealers. One of the defendants sold heroin and fentanyl to two different Columbia County residents who died within a few weeks of each other in July 2016; the other case involves a man who died from a heroin overdose in Plattsburgh in January 2016.

When asked about Fred Scheidt's influence in having federal prosecutors take his daughter's case, acting U.S. Attorney Grant C. Jaquith said in a written statement that "the identity and status of a victim's relatives are not considered."

Jaquith provided assurances his office has the current resources to review overdose cases that have been referred from local enforcement agencies. He said prosecutors recognize prevention is the best way to protect public health and safety. But, Jaquith added, "Vigorous enforcement is essential to bring appropriate punishment to those who play Russian roulette with the lives of their customers, as well as to reduce the flow of heroin and other dangerous opioids, deter prospective drug dealers who learn of the high potential penalties, and spread information about the severe harm these drugs cause."

Fred Scheidt said he has since spoken to a handful of other parents who want to know how to get law enforcement to pursue their children's overdose deaths. He said he was lucky that as an ex-cop he knew who to call, and what kind of evidence to push for.

"We know every case doesn't result in a successful outcome," he said. "But if you do nothing, nothing is going to happen."

Lauren Stanforth can be reached at lstanforth@timesunion.com or 518-454-5697.

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